

104TH CONGRESS
1ST SESSION

H. R. 1696

To authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the ground water monitoring requirements contained in landfill regulations promulgated by the Agency.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1995

Mr. COOLEY introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To authorize the Administrator of the Environmental Protection Agency to exempt certain small landfills from the ground water monitoring requirements contained in landfill regulations promulgated by the Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORITY TO EXEMPT CERTAIN SMALL**
2 **LANDFILLS FROM GROUND WATER MONITOR-**
3 **ING REQUIREMENTS OF ENVIRONMENTAL**
4 **PROTECTION AGENCY LANDFILL REGULA-**
5 **TIONS.**

6 (a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—
7 Section 4010(c) of the Solid Waste Disposal Act (42
8 U.S.C. 6949a(c)) is amended as follows:

9 (1) By inserting “(1)” before “Not later than
10 March 31, 1988,”.

11 (2) In the last sentence, by inserting “, except
12 as provided in paragraph (2),” before “ground water
13 monitoring”.

14 (3) By adding at the end the following new
15 paragraphs:

16 “(2) INAPPLICABILITY TO CERTAIN UNITS.—The re-
17 quirements of the criteria relating to ground water mon-
18 itoring shall not apply to any new municipal solid waste
19 landfill unit, any existing municipal solid waste landfill
20 unit, and any lateral expansion of an existing municipal
21 solid waste landfill unit—

22 “(A) at which less than 20 tons of municipal
23 solid waste is disposed of daily;

24 “(B) where there is no evidence of existing
25 ground water contamination from the unit; and

26 “(C) which serves a community—

1 “(i) that experiences an annual interrup-
2 tion of at least 3 consecutive months of surface
3 transportation that prevents access to a re-
4 gional waste management facility;

5 “(ii) that has no practicable waste manage-
6 ment alternative; or

7 “(iii) is in an area that receives 25 inches
8 or less of precipitation annually.

9 “(3) PROTECTION OF GROUND WATER RE-
10 SOURCES.—

11 “(A) MONITORING REQUIREMENT.—A State
12 may require ground water monitoring of a solid
13 waste landfill unit that would otherwise be exempt
14 under paragraph (2) if necessary to protect ground
15 water resources and ensure compliance with a State
16 ground water protection plan, where applicable, if
17 the State ascertains (using its own resources) that
18 such monitoring will produce evidence of contamina-
19 tion.

20 “(B) METHODS.—If a State requires ground
21 water monitoring of a solid waste landfill unit under
22 subparagraph (A), the State may allow the use of a
23 method other than the use of ground water monitor-
24 ing wells to detect a release of contamination from
25 the unit.

1 “(C) CORRECTIVE ACTION.—If a State finds a
2 release from a solid waste landfill unit, the State
3 shall require corrective action as appropriate.

4 “(4) REMOTE ALASKA NATIVE VILLAGES.—Upon
5 certification by the Governor of the State of Alaska that
6 application of the requirements of the criteria described
7 in paragraph (1) to a solid waste landfill unit of a Native
8 village (as defined in section 3 of the Alaska Native Claims
9 Settlement Act (16 U.S.C. 1602)) would be infeasible,
10 would not be cost-effective, or is otherwise inappropriate
11 because of the remote location of the unit, the unit shall
12 be exempt from those requirements.”.

13 (b) REINSTATEMENT OF REGULATORY EXEMP-
14 TION.—It is the intent of section 4010(e)(2) of the Solid
15 Waste Disposal Act, as added by subsection (u), to imme-
16 diately reinstate subpart E of part 258 of title 40, Code
17 of Federal Regulations, as added by the final rule pub-
18 lished at 56 Federal Register 50798 on October 9, 1991.

○